



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,842	06/25/2003	Pal Molnar	P03,0156	5519

26574 7590 10/01/2004

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,842

Applicant(s)

MOLNAR ET AL

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/27/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is an office action for serial number 10/603,842,e
entitled Elastomer Hanger For An Elastomer Suspension, filed on
June 25, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35
U.S.C. 112:

The specification shall conclude with one or more claims particularly
pointing out and distinctly claiming the subject matter which the applicant
regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second
paragraph, as being indefinite for failing to particularly point
out and distinctly claim the subject matter which applicant
regards as the invention.

Claim 1 recites the limitation "a first ring portion" in
line 2. There is insufficient antecedent basis for this
limitation in the claim. A first ring portion has been claimed
in the first line therefore this recitation should be deleted or
should have -the- instead of "a" before "first ring portion".

The claims have been rejected under 35 U.S.C. 112 for the
above reasons. Please note that the Examiner may not have
pointed out each and every example of indefiniteness. The
applicant is required to review all the claim language to make
sure the claimed invention is clear and definite.

Art Unit: 3632

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-11, 14, rejected under 35 U.S.C. 102(b) as being anticipated by Deane 4,817,909. Deane discloses a hanger comprising a first ring portion (12) having a central aperture (22), a mass dampener structure (14) having a dampener mass being a metal ring being steel (19; column 2, lines 65ff) with a central passage (where 36 is located), a first means ((16), an elastomeric spring being a sleeve (31) and having a second means for connecting (the hole in the center (32) and having an axial opening (36A) and an axial center opening (see figure 1). The dampener structure (14) includes a covering of elastomer material (column 2, lines 65ff).

Art Unit: 3632

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-7, 12-13, and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deane 4,817,909 in view of Ozaki et al. (Ozaki) JP7208158. Deane discloses all of the limitations of the claimed invention except for the pair of arcuate arms connecting the first ring portion to the mass dampener structure, the pin having a head and an integral washer, and the material being Peroxide molded ethylene-propylen-diene-monomer. Okaki teaches that it is known to have a first ring portion (near upper 9), a mass dampener structure (near bottom 9), and a pair of arcuate arms connecting the ring portion and dampener structure (near 3B), a pin (33B) having a head (figure 6). It would have been obvious to one having ordinary skill in the art to have modified Deane to have made the first means for connecting a pair of arcuate arms and the second means including a pin with a head as taught by Ozaki for

Art Unit: 3632

the purpose of creating air spaces between the ring portion and dampener to allow heat to pass around the ring portion and dampener for cooling effect purposes and for the purpose of facilitating the member to the hanger and preventing the member from being removed accidentally. It would have been obvious to have modified Deane in view of Ozaki to have included an integral washer to the pin since such a modification is conventional in the art to prevent removal of the pin from the hanger (see patents Karner 5,673,877 element 64 and Drabing et al. 4,893,778). It would have been obvious to one having ordinary skill in the art at the time the invention was made to the material peroxide molded ethylene-propylene-diene-monomer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

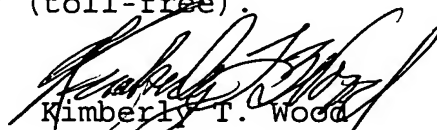
The prior discloses conventional exhaust suspension hangers.

Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly T. Wood
Primary Examiner
Art Unit 3632

September 27, 2004